

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

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ULTIMA SERVICES CORPORATION,

Plaintiff,

-against-

U.S. DEPARTMENT OF AGRICULTURE,
U.S. SMALL BUSINESS ADMINISTRATION,
SECRETARY OF AGRICULTURE, and ADMINISTRATOR
OF THE SMALL BUSINESS ADMINISTRATION,

Defendants.
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: No. 2:20-cv-00041-
DCLC-CRW
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NOTICE OF RECENT AUTHORITY

The parties jointly wish to bring the attached authority to the Court's attention: Small Business Size Standards: Adjustment of Monetary-Based Size Standard, Disadvantage Thresholds, and 8(a) Eligibility Thresholds, 87 Fed. Reg. 69118 (Nov. 17, 2022). Among other things, the final rule adjusts the net worth, adjusted gross income, and total assets standards for "economic disadvantage" under the 8(a) program in 13 C.F.R. § 124.104(c) that are described in plaintiff's moving memorandum in support of its motion for summary judgment. Doc. 60-2, PageID # 814. (The memo erroneously cites Section 124.104(b).) Under the adjusted standards, individuals will not be presumed "economically disadvantaged" if their net worth exceeds \$ 850,000, their adjusted gross income exceeds \$ 400,000, or their total assets exceeds \$ 6.5 million. 87 FR at 69129, 69130 (Table 4), and 69154.

Respectfully submitted,

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